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(c) The party, any member of the public, or the State may present information to the Hearing Officer at the public hearing (or to the Administrator in writing before the date set for the public hearing) relevant to whether:

(1) The party has violated the applicable regulation, schedule, or other requirement referenced in the proposed administrative compliance order;

(2) The party has violated any other applicable regulation, schedule, or other requirement of the SDWA referenced in § 142.202(b); and

(3) The proposed order, where appropriate, provides a reasonable time for the party to comply with applicable requirements of the SDWA and its implementing regulations.

§ 142.207 Issuance, amendment or withdrawal of administrative compliance order.

(a) Based on the administrative record, the Administrator shall either issue the order as proposed, amend the proposed order or withdraw the proposed order.

(b) Any order issued shall require the party to comply with any applicable regulation, schedule, or other requirement of the SDWA referenced in § 142.202(b) and may establish a time or date for compliance which the Administrator determines is reasonable, based on the administrative record.

(c) The Administrator shall determine within a reasonable time whether to issue, amend or withdraw the proposed order and shall promptly notify in writing the party, all members of the public participating under § 142.206(c) and the State, in the case of a State with primary enforcement authority over public water systems pursuant to section 1413(a) of the SDWA, or in the case of a State participating under § 142.206(c).

§ 142.208 Administrative assessment of civil penalty for violation of administrative compliance order.

In the event the Administrator decides to seek a penalty under the authority provided in section 1414(g)(3)(B) of the SDWA, 42 U.S.C. 300g-3(g)(3)(B), for violation of, or failure or refusal to comply with, an order, the procedures

provided in 40 CFR part 22 shall govern the assessment of such a penalty.

PART 143—NATIONAL SECONDARY DRINKING WATER REGULATIONS

Sec.

143.1 Purpose.

143.2 Definitions.

143.3 Secondary maximum contaminant levels.

143.4 Monitoring.

143.5 Compliance with secondary maximum contaminant level and public notification for fluoride.

AUTHORITY: 42 U.S.C. 300f *et seq.*

SOURCE: 44 FR 42198, July 19, 1979, unless otherwise noted.

§ 143.1 Purpose.

This part establishes National Secondary Drinking Water Regulations pursuant to section 1412 of the Safe Drinking Water Act, as amended (42 U.S.C. 300g-1). These regulations control contaminants in drinking water that primarily affect the aesthetic qualities relating to the public acceptance of drinking water. At considerably higher concentrations of these contaminants, health implications may also exist as well as aesthetic degradation. The regulations are not Federally enforceable but are intended as guidelines for the States.

§ 143.2 Definitions.

(a) *Act* means the Safe Drinking Water Act as amended (42 U.S.C. 300f *et seq.*).

(b) *Contaminant* means any physical, chemical, biological, or radiological substance or matter in water.

(c) *Public water system* means a system for the provision to the public of piped water for human consumption, if such a system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public

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water system is either a “community water system” or a “non-community water system.”

(d) *State* means the agency of the State or Tribal government which has jurisdiction over public water systems. During any period when a State does not have responsibility pursuant to section 1443 of the Act, the term “State” means the Regional Administrator, U.S. Environmental Protection Agency.

(e) *Supplier of water* means any person who owns or operates a public water system.

(f) *Secondary maximum contaminant levels* means SMCLs which apply to public water systems and which, in the judgement of the Administrator, are requisite to protect the public welfare. The SMCL means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of public water system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

[44 FR 42198, July 19, 1979, as amended at 53 FR 37412, Sept. 26, 1988]

§ 143.3 Secondary maximum contaminant levels.

The secondary maximum contaminant levels for public water systems are as follows:

Contaminant	Level
Aluminum	0.05 to 0.2 mg/l.
Chloride	250 mg/l.
Color	15 color units.
Copper	1.0 mg/l.
Corrosivity	Non-corrosive.
Fluoride	2.0 mg/l.
Foaming agents	0.5 mg/l.
Iron	0.3 mg/l.
Manganese	0.05 mg/l.
Odor	3 threshold odor number.
pH	6.5–8.5.

Contaminant	Level
Silver	0.1 mg/l.
Sulfate	250 mg/l.
Total dissolved solids (TDS)	500 mg/l.
Zinc	5 mg/l.

These levels represent reasonable goals for drinking water quality. The States may establish higher or lower levels which may be appropriate dependent upon local conditions such as unavailability of alternate source waters or other compelling factors, provided that public health and welfare are not adversely affected.

[44 FR 42198, July 19, 1979, as amended at 51 FR 11412, Apr. 2, 1986; 56 FR 3597, Jan. 30, 1991]

§ 143.4 Monitoring.

(a) It is recommended that the parameters in these regulations should be monitored at intervals no less frequent than the monitoring performed for inorganic chemical contaminants listed in the National Interim Primary Drinking Water Regulations as applicable to community water systems. More frequent monitoring would be appropriate for specific parameters such as pH, color, odor or others under certain circumstances as directed by the State.

(b) Measurement of pH, copper and fluoride to determine compliance under § 143.3 may be conducted with one of the methods in § 141.23(k)(1). Analyses of aluminum, chloride, foaming agents, iron, manganese, odor, silver, sulfate, total dissolved solids (TDS) and zinc to determine compliance under § 143.3 may be conducted with the methods in the following table. Criteria for analyzing aluminum, copper, iron, manganese, silver and zinc samples with digestion or directly without digestion, and other analytical test procedures are contained in *Technical Notes on Drinking Water Methods*, EPA-600/R-94-173, October 1994, which is available at NTIS PB95-104766.

Contaminant	EPA	ASTM ³	SM4	Other
Aluminum	2200.7 2200.8 2200.9 1300.0 D4327–91	3120B. 3113B. 3111D. 4110	
Chloride			4500–Cl–D.	
Color			2120B.	
Foaming Agents			5540C.	
Iron	2200.7	3120B.	

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Contaminant	EPA	ASTM ³	SM4	Other
	² 200.9	3111B	
Manganese	² 200.7	3113B.	
	² 200.8	3120B.	
	² 200.9	.....	3111B.	
Odor .....		.....	3113B.	
Silver	² 200.7	.....	2150B.	
	² 200.8	.....	3120B	I-3720-85 ⁵
	² 200.9	.....	3111B.	
Sulfate	¹ 300.0	D4327-91	3113B.	
	¹ 375.2	.....	4110.	
TDS .....		.....	4500-SO ₄ -F	
Zinc	² 200.7	.....	4500-SO ₄ -C.D.	
	² 200.8	.....	2540C.	
		.....	3120B.	
		.....	3111B.	

FOOTNOTES:

¹"Methods for the Determination of Inorganic Substances in Environmental Samples", EPA-600/R-93-100, August 1993. Available at NTIS, PB94-121811.

²"Methods for the Determination of Metals in Environmental Samples—Supplement I", EPA-600/R-94-111, May 1994. Available at NTIS, PB94-184942.

³The procedures shall be done in accordance with the *Annual Book of ASTM Standards*, 1994, Vols. 11.01 and 11.02, American Society for Testing and Materials. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. Copies may be inspected at EPA's Drinking Water Docket, 401 M Street, SW., Washington, DC 20460; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

⁴The procedures shall be done in accordance with the 18th edition of *Standard Methods for the Examination of Water and Wastewater*, 1992, American Public Health Association. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street NW., Washington, DC 20005. Copies may be inspected at EPA's Drinking Water Docket, 401 M Street, SW., Washington, DC 20460; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

⁵Available from Books and Open-File Reports Section, U.S. Geological Survey, Federal Center, Box 25425, Denver, CO 80225-0425.

[44 FR 42198, July 19, 1979, as amended at 53 FR 5147, Feb. 19, 1988; 56 FR 30281, July 1, 1991; 59 FR 62470, Dec. 5, 1994]

§ 143.5 Compliance with secondary maximum contaminant level and public notification for fluoride.

(a) Community water systems, as defined in 40 CFR 141.2(e)(i) of this title, that exceed the secondary maximum contaminant level for fluoride as determined by the last single sample taken in accordance with the requirements of § 141.23 of this title or any equivalent state law, but do not exceed the maximum contaminant level for fluoride as specified by § 141.62 of this title or any equivalent state law, shall provide the notice described in paragraph (b) of all billing units annually, all new billing units at the time service begins, and the state public health officer.

(b) The notice required by paragraph (a) shall contain the following language including the language necessary to replace the superscripts:

PUBLIC NOTICE

Dear User,

The U.S. Environmental Protection Agency requires that we send you this notice on the level of fluoride in your drinking water.

The drinking water in your community has a fluoride concentration of ¹ milligrams per liter (mg/l).

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/l in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/l for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/l. This is intended to alert families about dental problems that might affect children under nine years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/l reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/l may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the *permanent* teeth.

Because dental fluorosis occurs only when *developing* teeth (before they erupt from the gums) are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride.

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Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase your water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available.

For further information, contact ² at your water system.

¹PWS shall insert the compliance result which triggered notification under this part.

²PWS shall insert the name, address, and telephone number of a contact person at the PWS.

(c) The effective date of this section is May 2, 1986.

[51 FR 11412, Apr. 2, 1986; 51 FR 24329, July 3, 1986, as amended at 52 FR 41550, Oct. 28, 1987]

PART 144—UNDERGROUND INJECTION CONTROL PROGRAM

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AUTHORITY: Safe Drinking Water Act, 42 U.S.C. 300f *et seq*; Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq*.

SOURCE: 48 FR 14189, Apr. 1, 1983, unless otherwise noted.

Subpart A—General Provisions

§ 144.1 Purpose and scope of part 144.

(a) *Contents of part 144.* The regulations in this part set forth requirements for the Underground Injection Control (UIC) program promulgated under Part C of the Safe Drinking